

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE LAFOUNTAIN,
Plaintiff,

No. 1:07-cv-76

-v-

HONORABLE PAUL L. MALONEY

ANTHONY MARTIN,
Defendant.

ORDER DENYING PLAINTIFF'S OBJECTION

This matter comes before the court on Plaintiff's objection (Dkt. No. 122) to an order issued by the magistrate judge. Plaintiff Wayne Lafountain, a prisoner under the control of the Michigan Department of Corrections (MDOC), filed a civil rights complaint against Defendant Anthony Martin. In September 2009, Plaintiff filed a motion for entry of default. (Dkt. No. 56.) On November 17, 2009, the magistrate judge issued four orders (Dkt. Nos. 72-75), including an order denying Plaintiff's motion for entry of default (Dkt. No. 75). On November 30, 2009, Plaintiff filed an objection (Dkt. No. 79) to the four orders and a combined motion (Dkt. No. 80) to strike and for entry of default. On December 3, 2009, this court issued an opinion and order (Dkt. No. 82) overruling Plaintiff's objections. On May 20, 2010, the magistrate judge issued an order denying Plaintiff's combined motion to strike and for entry of default. (Dkt. No. 121.) Plaintiff objects. Plaintiff argues the order was unnecessary because the matter had already been resolved. Plaintiff insists this court's December 3 order denied his combined motion to strike and for entry of default.

A party may object to a ruling by a magistrate judge by filing objections in the district court where the case is assigned. FED. R. CIV. P. 72(a). Under the Rule, the district court judge "must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.* Plaintiff has not established that the magistrate judge's May 10 order was

either clearly erroneous or contrary to law. This court's December 3 order did not address Plaintiff's combined motion. Plaintiff's combined motion was pending when the magistrate judge issued the May 10 order. To the extent any of the issues overlapped, the magistrate judge appropriately issued an order consistent with the manner in which the issues had already been resolved. Accordingly, Plaintiff's objection (Dkt. No. 122) is **OVERRULED. IT IS SO ORDERED.**

Date: May 26, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge